

(b) *Early credit generation.* (1) Effective with the averaging period beginning June 1, 2007, a refiner for each of its refineries that has an approved benzene baseline per § 80.1285 may generate early benzene credits in accordance with the provisions of § 80.1275.

(2) Early benzene credits may be generated through the end of the averaging period ending December 31, 2010, or through the end of the averaging period ending December 31, 2014 for small refiners approved under § 80.1340.

(c) *Standard credit generation.* (1) Effective with the annual averaging period beginning January 1, 2011, a refiner for any of its refineries or an importer for its imported gasoline, may generate standard benzene credits in accordance with the provisions of § 80.1290.

(2) Effective with the annual averaging period beginning January 1, 2015, a small refiner approved under § 80.1340, for any of its refineries, may generate standard benzene credits in accordance with the provisions of § 80.1290.

§ 80.1225 Who must register with EPA under the gasoline benzene program?

(a) Refiners and importers that are registered by EPA under § 80.76, § 80.103, § 80.190, or § 80.810 are deemed to be registered for purposes of this subpart.

(b) Refiners and importers subject to the requirements in § 80.1230 that are not registered by EPA under §§ 80.76, 80.103, 80.190 or 80.810 shall provide to EPA the information required in § 80.76 by September 30, 2010, or not later than three months in advance of the first date that such person produces or imports gasoline, whichever is later.

(c) Refiners that plan to generate early credits under § 80.1275 and that are not registered by EPA under § 80.76, § 80.103, § 80.190, or § 80.810 must provide to EPA the information required in § 80.76 not later than 60 days prior to the end of the first year of credit generation.

GASOLINE BENZENE REQUIREMENTS

§ 80.1230 What are the gasoline benzene requirements for refiners and importers?

(a) *Annual average benzene standard.* (1) Except as specified in paragraph (c)

of this section, a refinery's or importer's average gasoline benzene concentration in any annual averaging period shall not exceed 0.62 volume percent.

(2) Compliance with the standard specified in paragraph (a)(1) of this section, or creation of a deficit in accordance with paragraph (c) of this section, is determined in accordance with § 80.1240(a).

(3) The annual averaging period for achieving compliance with the requirement of paragraph (a)(1) of this section is January 1 through December 31 of each calendar year beginning January 1, 2011, or beginning January 1, 2015 for small refiners approved under § 80.1340.

(4) Refinery grouping per § 80.101(h) does not apply to compliance with the gasoline benzene requirement specified in this paragraph (a).

(5) Gasoline produced at foreign refineries that is subject to the gasoline benzene requirements per § 80.1235 shall be included in the importer's compliance determination beginning January 1, 2011, or beginning January 1, 2015 for small foreign refiners approved under § 80.1340.

(b) *Maximum average benzene standard.* (1) A refinery's or importer's maximum average gasoline benzene concentration in any averaging period shall not exceed 1.30 volume percent.

(2) Compliance with the standard specified in paragraph (b)(1) of this section is determined in accordance with § 80.1240(b).

(3) The averaging period for achieving compliance with the requirement of paragraph (b)(1) of this section is July 1, 2012 through December 31, 2013 and each calendar year thereafter, or July 1, 2016 through December 31, 2017, and each calendar year thereafter for small refiners approved under § 80.1340.

(c) *Deficit carry-forward.* (1) A refinery or importer creates a benzene deficit for a given averaging period when its compliance benzene value, per § 80.1240(a), is greater than the benzene standard specified in paragraph (a) of this section.

(2) A refinery or importer may carry the benzene deficit forward to the calendar year following the year the benzene deficit is created but only if no

§ 80.1235

40 CFR Ch. I (7–1–14 Edition)

deficit had been previously carried forward to the year the deficit is created. If a refinery or importer carries forward a deficit, the following provisions apply in the second year:

(i) The refinery or importer must achieve compliance with the benzene standard specified in paragraph (a) of this section.

(ii) The refinery or importer must achieve further reductions in its gasoline benzene concentrations sufficient to offset the benzene deficit of the previous year.

(iii) Benzene credits may be used, per § 80.1295, to meet the requirements of paragraphs (c)(2)(i) and (ii) of this section.

(iv) A refinery that has banked credits per § 80.1295(a)(3) must use all of its banked credits to achieve compliance with the benzene standard specified in paragraph (a) of this section before creating a deficit.

(3) EPA may allow an extended period of deficit carry-forward if it grants hardship relief under §§ 80.1335 or 80.1336 from the annual average standard specified in paragraph (a) of this section.

§ 80.1235 What gasoline is subject to the benzene requirements of this subpart?

(a) For the purposes of determining compliance with the requirements of § 80.1230, all of the following products that are produced or imported for use in the United States during a refinery's or importer's applicable compliance period are collectively "gasoline" and are to be included in a refinery's or importer's compliance determination under § 80.1240, except as provided in paragraph (b) of this section:

(1) Reformulated gasoline.

(2) Conventional gasoline.

(3) Reformulated gasoline blendstock for oxygenate blending ("RBOB").

(4) Conventional gasoline blendstock that becomes finished conventional gasoline upon the addition of oxygenate ("CBOB").

(5) Blendstock that has been combined with finished gasoline, other blendstock, transmix, or gasoline produced from transmix to produce gasoline.

(6) Blendstock that is combined with PCG to produce gasoline must be sam-

pled and tested in accordance with the provisions at § 80.1347(a)(5) or (6).

(b) The following products are not to be included in a refinery's or importer's compliance determination under § 80.1240:

(1) Blendstock that has not been combined with other blendstock or finished gasoline to produce gasoline.

(2) Oxygenate added to PCG downstream of the refinery that produced the PCG, or downstream of the import facility where the PCG was imported, shall not be included in a refiner's or importer's compliance calculations unless the refiner or importer that produced or imported the PCG complies with the requirements of § 80.1238(b). On any occasion where any person downstream of the refinery or importer that produced or imported PCG adds oxygenate to such product, it shall not include the volume and benzene content of the oxygenate in any compliance calculations or for credit generation under this subpart.

(3) Butane added to finished gasoline, RBOB, CBOB downstream of the refinery that produced the gasoline or import facility where the gasoline was imported.

(4) Gasoline produced by separating gasoline from transmix.

(5) PCG.

(6) Gasoline produced or imported for use in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) Gasoline exported for use outside the United States.

(8) Gasoline produced by a small refiner approved under § 80.1340 prior to January 1, 2015, or prior to the small refiner's first compliance period pursuant to § 80.1342(a), whichever is earlier.

(9) Gasoline that is used to fuel aircraft, racing vehicles or racing boats that are used only in sanctioned racing events, provided that —

(i) Product transfer documents associated with such gasoline, and any pump stand from which such gasoline is dispensed, identify the gasoline either as gasoline that is restricted for use in aircraft, or as gasoline that is restricted for use in racing motor vehicles or racing boats that are used only in sanctioned events;